

Remarks/Arguments

Reconsideration of this application is requested.

Claim Status

Claims 3-8 were presented. Claims 3-5, 7 and 8 are amended, and claim 9 is added. Thus, claims 3-9 are now pending.

Allowable Subject Matter

The allowance of claim 6 and the indication of allowable subject matter in claims 7 and 8 is noted and appreciated.

Claim Rejections – 35 USC 112

Claims 3, 4, 7 and 8 are rejected under 35 USC 112, second paragraph, as indefinite. In response, claims 3, 4, 7 and 8 are amended to be in compliance with 35 USC 112.

In claims 3 and 4, the Action asserts that the phrase “so as to allow an axis thereof is oriented in a car width direction” is unclear. In response, claims 3 and 4 are amended to define the axis as an axis of a shift (claim 3) or clutch (claim 4) actuator, and the phrase at issue is amended to read “so as to allow the axis to be oriented in a car width direction”.

In claims 7 and 8, the Action asserts that the phrases “located so as to render an axis thereof inclined relative to a vertical direction” (claim 7) and “located so as to render an axis thereof inclined relative to the vertical direction” (claim 8) are unclear. In response, claims 7 and 8 are amended to define the axis as an axis of a shift (claim 7) or clutch (claim 8) actuator, and the phrases at issue are amended to read “located so as to render the axis inclined relative to a vertical direction”.

In addition, claim 8 is amended to remove the multiple dependency on claim 7, and the removed multiple dependency is rewritten as claim 9, which depends from claim 7.

Claim Rejections – 35 USC 103

Claims 3-5 are rejected under 35 USC 103(a) as obvious over Hori (US 6,357,545). In response, applicant respectfully traverses the rejections and submits that claims 3-5 contain limitations that are neither disclosed nor suggested by Hori.

Claim 3 recites a shift actuator that is located in front of a rear end of a transmission. Similarly, claim 4 recites a clutch actuator that is located in front of a rear end of a transmission. Claim 5 recites a clutch and a shift actuator that is located in front of a rear end of a transmission. In contrast, as shown in Hori's FIG. 10, Hori's shift actuator, e.g. transmission actuating motor 72, and clutch actuator, e.g. clutch actuating motor 71, are located behind a rear end of gear transmission 70 and not in front of the rear end of gear transmission 70 as required by claims 3-5. Thus, Hori fails to disclose or suggest clutch and/or shift actuators that are located in front of a rear end of a transmission, as is required by claims 3-5.

Moreover, claim 3 recites that the axis of the shift actuator is oriented in a car width direction, and claim 4 recites that the axis of the clutch actuator is oriented in the car width direction. In contrast, as shown for example in Hori's FIG. 12, the axis of transmission actuating motor 72 is oriented in a car length or crosswise direction. As shown in FIG. 11, clutch actuating motor 71 is in parallel to the shift actuating motor 72 and thus has an axis that is similarly oriented in a car length or crosswise direction. Thus, Hori fails to disclose or suggest that the axis of the shift or clutch actuator is oriented in a car width direction, as is required by claims 3 and 4.

In addition to these limitations already present in claims 3-5, claims 3-5 are further amended to clarify an additional distinction over Hori: that the engine has a crankshaft that is oriented in a car width direction. Hori's motorcycle 1 has a horizontally opposed engine 3 with a crankshaft 47 that is oriented in a length or crosswise direction (see, e.g., Hori's FIGS. 3 and 5) and not in a width direction, as is required by amended claims 3-5.

Since claims 3-5 recite multiple features that are neither disclosed nor suggested by Hori, claims 3-5 are not obvious over Hori, and the rejections under 35 USC 103 should be withdrawn.

Conclusion

This application is now believed to be in condition for allowance. The Examiner is invited to telephone the undersigned to resolve any issues that remain after entry of this amendment. Any fees due with this response may be charged to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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By: _____

Troy M. Schmelzer
Registration No. 36,667
Attorney for Applicant(s)

1999 Avenue of the Stars, Suite 1400
Los Angeles, California 90067
Phone: 310-785-4600
Fax: 310-785-4601